

**Notice of Allowability**

Application No.

10/072,178

Examiner

Michelle Lopez

Applicant(s)

REED, JOE DALE

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3721

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 3/18/05.
2. ☒ The allowed claim(s) is/are 2 and 3.
3. ☒ The drawings filed on 24 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Dale Reed on April 21, 2005.

3. The application has been amended as follows:

#### Claim 2 (Currently Amended)

An automatic bag opener and dispenser, comprising:

an enclosure having a front face, a top, a bottom, sides, and a back surrounding an interior of the enclosure;

~~at least one of an upper bag hanger comprising a pair of forwardly extending arms supported on an upper portion of the front face and a lower bag hanger supported on one of an upper or a lower portion of a~~ the front face of the enclosure respectively for hanging bags on said upper and lower hangers;

a first opening in the front face for passage of blowing air out of the enclosure;

at least one second opening in the enclosure for passage of air drawn into the enclosure;

a blower unit supported on the interior of the enclosure and configured to draw air from the at least one second opening and to force air from the first opening on the front face;

an airflow outlet guide on the front face in superposed relation to the first opening, the

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airflow outlet having a first guide wall substantially parallel to the front face mounted on the front face and configured to direct the blowing air at a bag opening; and

a motion sensor mounted on ~~an exterior~~ the top of the enclosure and operably connected to the blower unit to automatically turn on the blower unit when motion of a user is sensed by the motion sensor when the user approaches the bag opener and dispenser.

Claim 3 (Currently Amended)

An automatic bag opener and dispenser, comprising;

an enclosure having a front face, a top, a bottom, sides, and a back surrounding an interior of the enclosure;

an upper bag hanger comprising a pair of forwardly extending arms supported on an upper portion of the front face and a lower bag hanger supported on ~~an upper and~~ a lower portion of a the front face of the enclosure respectively for hanging bags on said upper and lower hangers;

a first opening in the front face for passage of blowing air out of the enclosure;  
at least one second opening in the enclosure for passage of air drawn into the enclosure;  
a blower unit supported on the interior of the enclosure and configured to draw air from the at least one second opening and to force air from the first opening on the front face;

and

an airflow outlet guide on the front face in superposed relation to the first opening, the airflow outlet having a first guide wall substantially parallel to the front face, the outlet guide being mounted on the front face and configured to direct the blowing air at a bag opening;  
and

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an air flow guide mounted on the front face and configured to direct the blowing air at a front bag opening, wherein the air flow guide has a second guide wall fixedly supported at an acute angle on the front face and extending away from the airflow outlet and toward a plane of the first guide wall;

and

a motion sensor mounted on the top of the enclosure and operably connected to the blower unit to automatically turn on the blower unit when motion of a user is sensed.

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The prior art does not show an automatic bag opener and dispenser comprising an enclosure with a combination of an upper and lower bag hangers for hanging bags on said upper and lower hangers and the combination of an automatic bag opener and a motion sensor for the purpose of automatically activating a blower unit when motion of a user is sensed as set forth in claims 2 and 3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

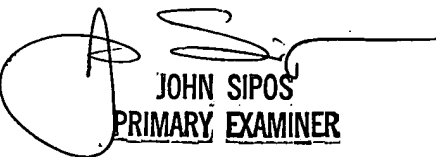
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

  
JOHN SIPOS  
PRIMARY EXAMINER